



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 14, 1992

Mr. Richard D. Monroe
Associate General Counsel
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2483

OR92-396

Dear Mr. Monroe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16102.

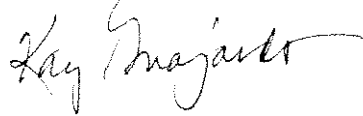
The Texas Department of Transportation received a request from an attorney for all documents that pertain to an incident in which his client's car was washed off of the Nolan River Bridge. As responsive to this request, you submitted for our inspection copies of three "Daily Activity Reports," which record certain information about work on the highway system on the day of the incident. You assert that you may withhold this information from required public disclosure based on section 3(a)(3) of the Open Records Act, the "litigation exception."

Pursuant to section 3(a)(3), a governmental body may withhold information that relates to pending or reasonably anticipated litigation and only to information clearly relevant to that litigation. Open Records Decision Nos. 555, 551 (1990). In this case, the requestor has given notice of a claim against the Texas Department of Transportation under the Texas Tort Claims Act for various damages resulting from the incident. We conclude that litigation is reasonably anticipated and that the information at issue relates to that litigation. See Open Records Decision No. 386 (1983). Thus, you may withhold the requested information based on section 3(a)(3) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR92-396.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Hamilton Guajardo". The signature is fluid and cursive, with the first name "Kay" being prominent.

Kay Hamilton Guajardo
Assistant Attorney General
Opinion Committee

KHG/lmm

Ref.: ID# 16102

cc: Mr. Norman J. Hoppenstein
Attorney at Law
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